

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RICHARD GAFFEY

No. 18-cr-00693-RMB-3

**NOTICE OF  
EMERGENCY MOTION FOR  
COMPASSIONATE RELEASE  
AND INDICATIVE RULING**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of His Emergency Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) and Request for Indicative Ruling, dated January 11, 2021, and the accompanying Declaration of Kimberly Teague, dated January 10, 2021, Defendant Richard Gaffey will move this Court, before the Honorable Richard M. Berman, on a date and at a time to be determined by the Court at the U.S. Courthouse, 500 Pearl Street, New York, New York, for an indicative ruling, pursuant to Fed. R. Crim. P. 37(a)(3), that it would grant compassionate release, pursuant to 18 U.S.C. § 3582(c)(1)(A), if this case were remanded by the U.S. Court of Appeals for the Second Circuit for that purpose.

Government to respond by 1/26/2021  
with input from BOP.

SO ORDERED:  
Date: 1/12/2021

*Richard M. Berman*  
Richard M. Berman, U.S.D.J.

Respectfully submitted,

**RICHARD GAFFEY**

By his attorneys,

/s/ Daniel Marx

Daniel N. Marx

William W. Fick (*pro hac vice forthcoming*)

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Dated: January 11, 2021

**CERTIFICATE OF SERVICE**

I, Daniel N. Marx, as counsel to Defendant Richard Gaffey, certify that on January 11, 2021, I caused the foregoing document to be served by ECF on the registered participants as indicated on the Notice of Electronic Filing.

/s/ Daniel N. Marx

Daniel N. Marx